P.7-58-1900

G. R. S. IX-5]

Previous references.

1896-97

~~191—~~.

(L.R)

File No. 90-96

Serial Nos. 1-9

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-9.

~~Part~~ B for June 1901.

SUBJECT.

Procedure re. the levy of Contribution on the landholders benefitted by Government irrigation works.

W D 1250—GPB—30,000 - 28-1-19

L.R. 90-96

Appeal No 53 of 1895-96

Petition No 420 dated the 30th July 1896

The petitioners – The Ryots of Channahalli, Chandagal, Hobli, Sreerangapatam Taluq, Mysore district.

This is an appeal against the order No 1030/1038 of 10/11-12-95 of the deputy commissioner of the Mysore district, declining to disturb Rajuddinkhan Divanee possession of Survey No 10, 11, 18, 19, 20 21, 22, 23, 24 and 25 of the said village.

The total area of the said village is 1099 acres and 33 guntas. Of this the Kharab is 134 acres and 37 guntas. Of the latter 95 acres 16 guntas is continuous

Note Mandamus of land which by the decision mentioned the soil of the land ought to have been sold under para 1 of L. such XX

Whether there is any order under these channel lands which have a prospect of irrigation Mysore Government Sale – Please find out – If has reference to the lands under a channel in prospect I will please put up all such orders. The grant seems objectionable Why was the agreement executed in this? Is there none besides a mukut the Government orders?

1/2/97

Notes 1/2/97

1-2-97

Mahadevpur jagir; west Ummarkhan Durance's (The father of Fajiddinkhan Durance) fields; North— Kalmarati; South— the field of Javaré gowda the Patel of the village

(3)

Then the Petitioners submitted a Counter-petition dy 24-10-96 to the Amildar, stating that the waste land of Survey no 1 at the end of the Burjihalla was from the beginning, used for gomal purposes; that there was no gomal land for the village; that they came to know that Ramanna & others had Dharkasted for the said waste; that by giving the said waste for cultivation the Cattle of the village would seriously suffer from want of fodder; & that the petitioners would be compelled to abandon their village.

The Amildar rejected the Dharkasts on the ground that the ryots of the village objected to the grant of the waste.

In the year 1890 there was a Dharkast dy 19-7-90 from

- from Tajuddinkhan for the Survey numbers 10, 11, 18, 19, 20, 21, 22, 23, 24 & 25.
As before the petitioners again objected to the grant of the above numbers for the purpose of cultivation. (9) They also got up a mahazar to the effect that the settlement Officers, in spite of the representations by the petitioners not to assess the waste & to reserve the same for gomal purposes, assessed ~~the~~ the waste; that by giving the waste for cultivation the cattle of the village would be put to serious inconvenience & that therefore the waste should be reserved only for gomal purposes.

This third Sharkast was also rejected on the grounds (1) that there was no objection to the grant of the land & that the land should be personally inspected either by the Amildar or by the Deputy Commissioner.

Tajuddinkhan again submitted another Sharkast on 15-5-25 for the said Survey nos 10, 11 &c. 92

survey numbers; 26 acres & 18 guntas is Nulbanni; which will be put to auction every year for grazing purposes; and 23 acres & 3 guntas is phut-Kharab. 929 acres & 21 guntas is arable land. 20 acres & 34 guntas is a waste with assessment: 14 acres & 21 guntas is Inam lands.

vide { Amildars' reports no 674/850 of —— no 169 of 11-2-95 (no 1659/1937 of 13-9-96

7. nos 36, 100 & 114.

There are 64 houses in the village. The population is 294 & the number of cattle is 511. A nalla called Burji Nalla runs through the village land.

As far back as 1885 there were two Kharkasts for the waste land at the end of the third mile of the Burji nalla (the nalla at that time seems only three miles in length) for the purpose of cultivation. One Kharkast of 12-5-85 was by Dalavaikatti Ramanna Subbarao & others. The other of 17-7-85 was by one Krishnadasu. The boundaries of the land applied for were as follows- East- The boundary line of

Vide (7. 42-43)

On ~~the~~ receipt of this Darkast the then Amildar reported to the Sub-division Officer that the survey numbers applied for by Tajuddin Khan durance might not be refused as they were assessed.

vide - Amildar's report no 674/850 dt — (7.36)

The Sub division Officer ordered that since the lands applied for were assessed they might be given for cultivation.

In accordance with this order Tajuddin Khan durance received a Sagavalichit dt 10-11-92 to cultivate the lands he applied for, from Naudana year.

vide - Sub division Officer's order no 873/282 dt 20-10-92 (7.36)

It should be noted here that the waste with assessment contains 20 acres 36 guntas. The survey nos 10, 11, 191 ... to 25 contain 42 acres 13 guntas

The petitioners as before, again objected to the grant of the land by their petition dt 2-2-93 to the Amildar, stating that the waste lying to the

the north of Jawaré gowda's fields was gomal land, that it should not be given for cultivation & that the same should be reserved solely for gomal purposes permanently & free of assessment as before.

Thereon the then Amildar brought this waste under Yakrar Lakhta & placed it before the jamabandi officer for settlement. The jamabandi officer ordered that the parties should appeal against the order of the Subdivision Officer. It is to be observed here that there is no jamabandi officer's order in the file except the reference to it in the Report of the Amildar.

It is in the file vide P. 40. vide - Amildar's report No. 765/26 of 6-12-93 (7. 95)

The petitioners thereon appealed to the Dy. Coms against the order of the Subdivision Officer by their petition of 6-11-93 & requested that the order of the Subdivision Officer might be cancelled & the Survey Nos 10, 11, 13 &c. might be reserved

only for gomal purposes as before. The grounds of appeal are as follows:-

1. That the Survey nos (No. 11. 18. 1933 - to 25-) under dispute have been used as gomal land for the village cattle & the villagers objected to the grant of the land for cultivation

2 That Tajuddin Khan Durrani has commenced clearing the land & has also excluded the Burj i Nalia without permission to take water for his land.

3. That the petitioners' application for the copy of the Subdivision Officer's order was not complied with by the Amildar

4. That Tajuddin Khan Durrani should be prevented from clearing the land till final orders are passed in the case.

5. That there is no other gomal land for the village which contains about 1000 cattle

6. That several Dharkasts received before for these

lands have been re-
jected.

7. That the petitioners
are prepared to prove
their statements if a
personal inspection is
made.

8. That if these nos.
are not left for gomal
purposes the villagers
have to abandon their
village.

The Deputy Commissioner
on full enquiry declined
to reverse the order of
the Subdivision officer
on the grounds that Tajuddin
Khan Durani has been
enjoying the lands since
four years by the order
of the Subdivision Officer
& has paid two years'
taxes to the Govt. & therefore
his possession of the survey
nos 10 &c. cannot be disturbed.

The petitioners have
now appealed against this
order of the Dy. Comm.
The grounds of appeal are
as follows -

1 The land of survey
nos 10 &c. was used as

gomal land.

2. That the Sharkat of Dalawai Hatti Ramanna & others dt 12-5-85; the Sharkat dt 1-4-86 of Tajuddinkhan Duranee; & the Sharkat no 338 dt 27-1-87, for the cultivation of the said land were rejected.

3 That Tajuddinkhan Duranee was fined in the year Sarvadhari or Virodhi for sowing grain in a portion of the said land.

4. That Tajuddinkhan Duranee got the said land for cultivation by the report of the Amildar who did not refer to the number of the rejected sharkats

5. There is no other gomal land to the village except the said land.

6. That the petitioners represented before the Dy. Commissioner that they would pay the assessment on the said land for gomal purposes.

On these grounds the petitioners pray that the order of the Dy. Commr. may be cancelled & the said land be reserved for Jonal purposes.

Further they pray that their file be placed before the Revenue Councillor, that they may be allowed to engage a lawyer, & that they may be allowed to appear before the Court-

In the second ground of appeal the latter two blankets are not substantiated in the file by any reference whatever. There is no document of the villagers or petitioners produced in the file to prove the existence of Jonal land except their petitions & depositions. At any rate since 1895 whenever there was a blanket to the said land the petitioners have objected to the grant of the land on the ground that it was used for Jonal purposes. The

They are in the file Vide p. 52

The third ground is also not substantiated.

vide- Amildars' reports

no 674/850 of —

no 169 of 14-2-95

no 1659/1937 of 13-9-96

& statements of Sept. 1889

(7. 36-100-14-78)

reports of the Amildars state that there is no formal land. But the very reports & the two statements of the Amildars state that survey nos 26, 27, 36, 37 & 38 are left for formal purposes free of assessment, although they are assessed.

The said land (of survey no 11 & 12 ... 525) was not sold, when it was given for cultivation. This was probably for the non-existence of valuable trees on the said land. or perhaps that upto the time Zainuddinkhan Dawari occupied the said land, the said land was not occupied.

vide- Shekdar's report-

(7. 35-)

M.S.

21/12/96

Re assessment of the land in question as fixed

Survey No.	Area A	g	Assessment Rs	as	p
11	5	11	4	8	11
18	5	26	4	11	11
19	5	16	3	8	11
20	4	34	3	8	11
21	6	6	4	11	11
22	5	28	3	8	11
23	5		2	8	11
24	3	19	1	8	0
25	2	25	1	4	6

2

~~93 600 R~~

Office Note

Petition No. 420 of 96-97.

Petitioners:- Gubigaudana Dyava & other ryots of Bhamesh halli, Seringapatam Taluk

Short & Ordinary Case. 16/6/1897.

1 This is an appeal against the order of the Dy Commr Mysore Dt, No. 1030/1038 & 10-12-95, declining to disturb Sajiuddin Khan Durani's possession of S.No 10, 11, 18, 19, 20, 21, 22, 23, 24 & 25 of the said village.

2 The facts of the case are as follows:-

The lands in question formed part of Maji no 1 and would seem to have been used by the villagers for pasture. In 1885 there were 3 darkhats for the land; but they were rejected by the Amildar on the complaint of the villagers that if the lands in dispute were to be given

Extent	assessment.
A. G.	Rs. A. P.
1-27	1-4-0
5-11	4-8-0
5-26	4-0-0
5-16	3-8-0
4-34	3-8-0
6-6	4-0-0
5-28	3-8-0
5-28	3-8-0
5-0	2-8-0
2-25	1-4-0
48-1	31-8-0

t for cultivation the villagers
would be deprived of their gomal
and.

3 The counter-Pet: Thajuddin
Khan Durani again applied for the same lands
in 1886 urging that they belonged to
him formerly and that they might be given
to him on longer assessment. In
the enquiry that followed it was
stated that the former darkhasts
had been rejected and that the darkhastdar
had no right to the land. This darkhast
was accordingly rejected.

4 On 13-7-1890 Thajuddin again
put in an application for the
lands. The complaint of the villagers
followed. On enquiry it was found
that no gomal land had been allowed
for the village in spite of the complaint
of the villagers at the time of survey.
The darkhast was therefore rejected
but the Amildar recorded an order

The total amount is 28¾ Rs
+ the total area is 43 acres
+ 35 guntas

The Proceedings of 1888 (para 3
referring to the subject-matter hand)
is put up.

Submitted to 2nd Commr

M
6/2/97

Received
7/2/97

Draft proceedings
enclosed
M
12/2/97

I am directed to call
attention to the above
rules to para 19 of
Rule XX & ask
why the land was
not sold absolutely
that from the position
& the soil of the land
it appears it ought
to have been sold.
The land is said
to be irrigable from
Bungi tank.
The grant of a
Sagumi which
is subject to a
& the part of the
Khaderdar having
provisionally enjoyed
the land during the
time the appeal pro-
-ceedings were pend-
-ing not prejudice
the decision of the
Dy Com (see Rule XX
26.) Accordingly the
grant of the land shd

will be cancelled
& rate ordered
thereon.
15/2/97

Approved
M
15/2/97

that the land should be inspected by him or by the Sirastidar and the advisability of ~~letting~~ or otherwise ~~dis~~ reserving them for general purposes should be settled. But this does not seem to have been carried out.

5 On 15.5.91 Lapiddin again applied for these lands. The Shekdar reported that they were waste lands containing no valuable trees and that there was no objection to grant them for cultivation. The Shanbhag endorsed the above opinion. The ryots of Channalli again complained of the inconvenience that would be caused to them by the grant of the lands for cultivation purposes. Sirdar M. Krishnaiyengar submitted the

record to the Sub-dy offr of Tirumakudal explaining the facts and Rocks adding that there was no free gomal for the village. The Sub-dy officer, Mr. K. Muhammad Ali ordered that as they were assessed waste lands they might be given for cultivation ~~as~~ on kudikhast. A kajnali chit was accordingly issued to the Counter Petitioner on 10-11-92.

No $\frac{873}{982}$ dt 10-11-92.

6. Thereupon the villagers again complained to the Jamabandi officer against the grant of the land to Kajaddin Khan and urged that they would have to desert the village if the grant was not ~~cut~~ cancelled. The Jamabandi Officer, Mr. A. Rangasami Iyengar, ordered that the villagers should appeal against the Sub-dys Offrs order.

dt 19. 5. 93.

7. Thereupon the villagers appealed to the Dy Commr on 6-11-93 and urged that the Jamabandi of the village was Rs 3000/-, that the cattle of the village numbered 1000, that there was no gomal for the village, ~~no pasture~~ that the lands in dispute, S. Nos 10, 11 & 18 to 25, should be reserved for gomal purposes, and that the Sub Divl Offrs order should be held in abeyance pending the disposal of their appeal. Thereupon a notice was issued to Fajuddin Khan warning him not to incur any outlay in improving the land.

8-3-94.

8. Fajuddin deposed before the Dy Commr that

out of the lands obtained by him on darkhast ~~land~~ 12 acres had been converted into wet at some cost, that excluding these 12 acres the remaining portion may, if so ordered, be set apart for gomal purposes, that the portion converted into wet ~~land~~ might be left in his possession, and that he was willing to give up for reservation a similar extent of land as gomal out of his khata lands S. Nos. 49, 38 & 37 of Channahalli.

9. A further report having been called for, on the above point the Amildar reported 8.3.2-95 as follows:-

"(1) Total ~~Atchkat~~ of the village A. G. 1099-33 Gomal nil. Unassessed waste sold for Inamani A 26-18.

assessed waste 1 20-34 G.

(2) Population 294

(3) Cattle ~~&~~ check 5 11

(4) Nos of houses 64.

"(5) The villagers are willing to take up the lands in dispute for gomal purposes on full assessment. Sidde Gouda has agreed to this on behalf of the villagers. They are also willing to pay any price that might be fixed as the value of the land.

"(6). I inspected the lands in person. They have not been prepared for wet cultivation, nor has Tajuddin incurred any expenditure on these lands.

(7) Some fifty rupees might have been spent for excavating a channel for irrigating the lands.

(8) The lands have not been levelled. The villagers say that the land which Tajuddin is willing to relinquish in return

S. no.	Extent	Assessment
	A 4.	R. A P.
26	3-26	1-12-0
27	4-24	2-4-0
36	5-0	2-12-0
38	4-19	1-8-0
37	4-6	1-4-0.

This is not shown as Kharab but shown as "Bilu" waste in the Fisal Patrak

(81)

"were searched and examine

The 'Fisal Patrak' shows

entry that the marginally not

lands were ~~vested~~ reserved a

free gomal, their assessmen

being struck off. The same

note was made in the "Khat

& other papers. But it wa

~~note~~ noted in the 'Akarbai

On 1.8.89 Tajuddin petition

the Survey Supt. stating that the

lands were his. Thereupon

the S. Supt ordered that if

had been shown as Kharab

the same should be shown

in the D form and submitted

for orders. This was done

and the lands were sanctio

in favour of the Counter Pet.

It is also seen that besides

the above said 4 lands S. No 3.

"which was not claimed by Tajuddin and which the Survey Dept thought should be disposed of by the revenue authorities, was also included in the Khata of Tajuddin in the year Virodhi. There is nothing to show that S. No. 37 was sanctioned in favour of Tajuddin.

This is taken of Tajuddin's field

22

(11) To find out whether S. nos. 26, 27, 36, 37 & 38 had been left out from Tajuddin's Khata at the Survey settlement the ~~former~~ old records were searched Darkhast No. 496 of 73-74 by which Tajuddin's ~~father~~ father had obtained the lands, does not include the above said Survey numbers among the lands of Tajuddin. From the boundaries therein given the lands of Tajuddin ~~are~~ lay to the west of the Baraje Nalla. But

for the land in which he has ~~[illegible]~~ cut a channel for irrigating the same, is their manni gomal land. This land is lying waste.

"(9) S. Nos 28 and 29 on which graft mango trees have been planted ~~are~~ Kadim Lagwali lands. Their complaint regarding these lands are inadmissible.

"(10) As regards the complaint of the villagers at the time of my inspection that the land which Tajuddin wanted out of his holding to give up for gomal purposes, was their manni gomal land, the Khata & Pahani showed that the same belonged to Tajuddin With a view of verifying the villagers' statement the old records

"

S. Nos. ~~25, 26~~ 26 - 27 - 36 - 37 & 38

lie to the east of the Saragi channel

the Surveyor's report - No. 7709 6/9/

it is stated that the extent of

Rajaddin's land has been diminished and that therefore the Govt

lands should be given to him

to make up the deficit. But

there seems to have been no Rajas

ground for giving them to Rajaddin

Rajas extent of Rajaddin's holding in Bigwari
A. G. P.
11 - 13 - 2 3/4

Extent in acres confirmed
A. G. Sqd. at the S.S.
42 - 31 - 9 A. G. 36 - 14.

Thus it is seen that Rajaddin's
land has been reduced by 5 - 17. A. G.

And deducting a 'Remainder' of

of 4 acres he will have lost
about
only 1 acres. But whatever
have
might be reduction of the extent

of

if Tajuddin was willing to pay a proper price for the lands they might be confirmed to him.

(25)

P. b. Venkatachalaya

Dy 1-11-95

11. The Amildar to whom the Sub-Dy Offr sent the above order reported that Tajuddin declined to pay any price for the lands, that he urged that he should be paid Rs 500/- which he had spent on the lands, that the villagers urged that the lands should be sold in auction either separately or in a lot, that Tajuddin had reaped large ~~sum~~ profit of Rs 500/ by cutting the trees on the land and ~~sold~~ selling them for firewood, that he had sold about 100 cart loads of wood that he had not spent any money on the land, that he had reaped

much more profit than the
trifling amount spent by him,
and that the lands should
not be given to him.

12. Thereupon the Dy Commr confirmed the lands to Fajuddin on the ground that as 4 years had elapsed since the grant of the lands to Fajuddin & that as the latter had paid 2 years' kandayam nothing could be done further and that his possession cannot be disturbed. It is against this order that the Petrs have appealed. 8y 10-12-95.

(96)

The villagers were informed of the above order. Fajuddin paid the arrears of the remaining 2 years' kandayam. The Amildar inspected the lands ~~on 12-9-96~~

13. The petition was sent to the Dy Commr for report. The Amildar inspected the lands on 12-9-96 and reported that

of the holding it must be confined to the west of the Baragi halla and cannot have extend to the east of it.

(12) It is therefore clear that the lands newly given to Tajuddin were done so on proper authority. It supports the complaint of the villagers."

10 Thereupon the Dy. Commr. Sri. Venkatavaradhayya ordered that as the lands in question vide S. Nos 10, 11 & 15 to 25, had not been set apart at the time of survey as free gomal but had been recorded as assessed waste, their grant for cultivation for cultivation purposes was right but that as they were valuable lands it would have been better if they had been sold in auction; that

By 4.8.95

Rajendrin had cultivated about 12 acres land with wet crops irrigating the same with the water of the tail end of his fields & the Baraji valla, that he had spent about Rs 100 in excavating a channel, that the village of Channahalli is in a flourishing condition, & that it was quite necessary that such a village should have free gomal land which it had not. On 26-11-96 the Dy Commr submitted a report of the facts of the case together with the records.

14. Thereupon the 2nd Councillor (Mr. P. Krishna Murti, now dewan) ordered :- "Call the Dy Commr's attention to Govt Pro No. Camp 1382-96 31-10-88

No. 7569
D1369 of 27-2-97

The Dy. Comr. in reply to this d
docket covering the order of the Co
ector has submitted copy of the Fa
No. 821-29-5-96 Rocks Sub-Division Officer's lette
stating :-

Query No. 1. Khajoor Khan applie
for the lands in question and the villag
objects to their grant for cultivation.
The Ameen thereupon sought the in-
struction of the Sub Division officer and
the late Dy. Comr. Peshawar directed that
as the lands had been a peped they were
to be given away on Quarkhast. The
wording of the order was somewhat
ambiguous and the Ilaqa Ameen
without seeking for further instruction
or using his own discretion gave out
the lands to the applicant without sale

Query 2. Ameen Keshavi Kapar report
that there were Nadkis on the lands in
question and that the applicant has
forfeited by the sale of nearly 100 cart
loads of firewood. This coupled with the
fact that the lands from their position
were capable of being converted into bet-
warrant the cancellation of the grant
by the Ameen. As the lands

and also to para 1 of L. R.
Rule XX and ask why the
land was not sold observing
that from the position & the
soil of the land it appears
it ought to have been sold.
The land is said to be irrigable
from Baraji nalla. The granting
of a Sagavali Chit is subject
to appeal & the fact of the Khatedar
having provisionally enjoyed
the land during the time the
appeal proceedings were pending
should not prejudice the
decision of the Dy Commr.
(See Rule XX 26.) ~~At~~ Ask
why the grant of the lands
should not be cancelled
and sale ordered"

30/5/01

however at this distance of time would be heard upon Shajiddin Khan who has been in the enjoyment of them since November 1892. I would therefore suggest that he may be called upon to pay a fair price for the lands if he wishes to retain them. In the event of his refusal the sale of the lands may be ordered".

⊕ Vide pedi no. 220/26 from the late Dy. C

The Dy. Comr. states :-

"Mr. Mahomed's order referred to by the Sub Division officer does not dispense with the sale of the lands which from their favorable situation and the valuable trees thereon were clearly liable to be sold under the rules. The Taluk Authorities who framed the lands without sale seem to have failed to make sufficient enquiry to satisfy themselves regarding the liability or otherwise of the lands to be sold by public auction. The Hobli Shekdar made a report to the effect that the lands in question contained no valuable trees and the Shekdar who must have been fully cognisant of the nature of the lands and of their capabilities evaded his responsibility by simply mentioning in his report that the

No. 698/18-1-01

(30)

In reply to this office No. 651
Pet 122
25. 2. 1907 conveying the abo
order the By Commr reports in
his letter No. 1018 & 16. 4. 07
that as regards the delay in
submitting a report on the matte
the Sub-Division Officer's report
dated 12. 7. 98 being incomplete
a further report was called for
from him on 20. 7. 98, that the
subsequent reply dated 14. 8. 98
being again incomplete the
records were sent to the Amildar
of Seringapatam Taluk for furnish
further details, that the latter's
reply was received in his office
only on 3. 6. 1907 and that thereu
a reply was sent to Govt; that
notice has been issued to Khaja
Khan not to incur any outlay

on the improvement of the lands, and
that under the orders of the then
Sub-Dn officer, Mr. K. Muhammad
alli, as conveyed in his order to:
8738, 20.10.92 Mr. M. Krishnaiyengar,
retired Extra Asst Commr, who
was then Amildar of Seringapatam
issued the Sagwali chit.

(38)

Obs
...

LR 9(0-96-1

1896

No. 120

Name of Petitioner, [illegible]

Village, [illegible]

Taluk, Erinjalakuda

District, Cochin

Date of Arzi, 2.7.96

Date of Receipt, 3.7

Date of Disposal,

No. of Enclosure,

ABSTRACT.

that the Inam reported u
favourably to them & has
said that the ryots may
they would buy the Rent
of the land by distributing
among themselves & the
they would then like to rela
it for their grazing purpo
that the present by-comm
without enquiring them or pri
them any notice, confirmed
order of the Sub: Div: Offi

(39)

Pray

(1) that this petn be sent for disp
referred to the Rev: Councillor.
(2) that all the records may be
sent for & they be examined in
(3) that they be permitted to have
one to represent their case tho' no
necessarily a Vakil.
(4) that as all the villagers have to
be present for enquiry, they
be given Police men to watch
their villages during their
absence. They are ready to
bear this expense.
(5) that in case a few days of time is
found enough for the purpose
of enquiry they be given
an order to that effect to enable
them to produce all the documents
&c this time.

(6)

(40)

the Kanungoes of 2 years have collected from him, for which can be done first-rate. The possession cannot be disturbed now.

That the annual produce of their village is 3000 Rs; that it also contains about 30 houses; has a population of 350 inhabitants, & contains about 700 cattle; that to the north of their village is a small land which has not been included into the 100 by the circle; that they also have not included the assessment; that they paid 30 Rs. on account of Road expenses; that as such cases cannot be proved true, there have been repeated applications for the land since 1885 have been always rejected on the ground that the land was wanted for grazing purposes; that one Rajendra Khan Bhosale, who had applied for the land once in 86 & again in 87 was fined for unauthorisedly cultivating the same in accordance with the that he (Khan) again applied on 2nd July 90 & again on June 91 - Thereafter Rs 850 -

When the Asst Collr referring to the previous records submitted a report to the Collr: Dist Officer stating that the petition of the villagers could not be accepted; that thereupon the orders of the Collr: Dist: Offr; Rajaram Shivram Kanungo; passed to Rajaram Khan on 20/12/93; that upon the complaint of the villagers the very Asst directed the matter to be enquired into from 1st 8; that they did not know how their boundaries; that they have 20 Shere land for grazing their cattle; that all around their village they have red lands; that they have not even a pathway for driving their cattle to any other village; that they applied to the Asst Collr on 1.12.93 also

Writ No. 10072-7-96.

M/S GES DEVADAS & CO.
PETITION DEPARTMENT
REGD. No. 4201
DATE 30-7-96

[illegible]

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying ~~Appeal Petition~~ Memorial

Registered No. 20 dated 2 Aug 1896 ~~submitted to H. H. the Maharaja Regent by~~ ~~received at the Dewan's Office from~~ Ayaligowdana Appa and 5 others of Channarayadi, Hiriyapatna Taluk, ~~praying against the order of the~~ Asst Commr Channarayadi dismissing their appeal against the decision of the Amildar of Hiriyapatna in suit No. 1-8-5-20-21-22-23-24 and 25 of the village, and to grant the lands to petitioners for grazing [illegible]

is forwarded, together with its enclosure, to the Deputy Commissioner of the Hassan District ~~for submission to the Chief Commissioner~~ a full report of the facts of the case and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

Draft
C/2

BANGALORE,
17/18 August 1896

for Chief Secretary.

M.G.C.P.B.—25-4-95—1,000

Q R 90-96

Submitted with reference to the Revenue Councillor's order on the abstract of petn No 420 of 12.7.96.

10/12 Rec'd. JM

A Short precis of the petr pleases the under with 3 days with special reference to the points

1° Whether land were granted
2° The Kanacharis and other resources of the Inam (area, extent of cultivation, Rent, No of cattle, &c)
3° The Jamabandi Officer's decision if any.

11/12/96 JM

To varthamanacharlu
Kanchanadurgaya

10/12

Received at about 4 P.M.
12/12/96 JM

Rd and submitted a precis

21/12

Sd JM
Revd by the Revenue Councillor with a precis

JM

22/12

Recd 6. PM.
22/12/96.

GL No 1870
Vol V 324 1896
2 - DEC. 96
DEWAN'S OFFICE

From

The Deputy Commissioner
of the Mysore District.

To

The Secretary to the Government of Mysore,
Revenue, and General Departments.

Dated 26th
Despatched } *November* 1896.
Received

Enclosures No. Petition Gn 420 dated 12th inst from Kanacalacharlu,

No. 837

Reporting on the memorial of Gangondana Agrara and other ryots of Channahalli Seringapatam taluk.

Petn Marcelli
30/11/96
JM 1/12

(8)

was informed that as the lands had not been reserved as forest but had been rejected, that grant for cultivation was right, but that as they appeared to be valuable they should have been sold, but that as they had been given away they might be permanently registered in the name of the donee if he consented to pay a fair price for them. The donee however refused to pay any price. As however the lands had been given away 4 years ago and the donee had paid 2 years' land agent thereon it was thought that his possession could not be disturbed and final orders were passed accordingly on the 10th December 1895. The

present

No. 897
Enclosures No. Petition No. 480 with its 1st Encl Canarese original,

DEPUTY COMMISSIONER'S OFFICE.
MYSORE DISTRICT,
Dated Mysore 26 November 1896.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

(47)

SIR,

With reference to your official memorandum No. Rev 287 dated the 17th August 1896, forwarding for a full report and submission of proceedings a memorial from Guligowdana Dyava and other ryots of Chennahalli in the Seringapatam taluk appealing against the order of this Office declining to disturb Khayuddin Khan Duranee's possession of Survey Nos. 11-18-19-20-21-22-23-24 and 25 of the said village, I have the honor to submit the records connected with the case and to report as follows:—

2. In July 1890, the said Khayuddin Khan Duranee applied for the 10 Survey Nos. referred to. The villagers i.e. the (petitioners) objected

objected to their grant and wanted the assessment fixed on them to be struck off the accounts and the lands reserved as Gomal for their cattle.

The matter was reported by the Amildar for the orders of the Sub Division Officer. The then Sub Division Officer Mr Mahomed Ali Sahib ordered that as the lands had been assessed, they might be given out to the applicant. They were accordingly given him on the 10th November 1892. Thereon the petitioners complained to the Jamabundi Officer against the grant and he ordered that they should appeal to the Deputy Commissioner against the order of the Sub Division Officer. Then in November 1893 the petitioners appealed to this office. After due enquiry the Sub Division Office

present memorial is an appeal
against that order

3. The memorial and the other
enclosures of the memorandum
under reference are herewith returned.

I have the honor to be,
Sir,
Your most obedt Servant.

Deputy Commissioner
of the Tyrone District

Comrs.
Hly.

LR 90-96-45

1897

From

The Secretary to Govt
Genl & Rev Depts

To

The Deputy Comr
Bijapore Dt

Dated 27th

Despatched 4/3 ~~Dec~~ 1897

Received

General No. 7569
P. No. 1369

P.

Enclosure No. Petn No 420 with its Enclosures & Records

His letter No. 897 dated 26th November 1896, reporting on the petn of Guligavadana Bijapur and others of Channahalli in the Sirsingapalaya Th, regarding the grant of S. Nos 11, 18, 19, 20, 21, 22, 23, 24 & 25 in the village to one Shajuddin Khan

Has the honor to draw the attention of the Dy Comr to Para 3 of Govt Proceedings Comp No 1382-90 dated 15th October 1888 and also to para 1 of Land Revenue Rule XX and to request

request that the Dy. Collr. will be good enough to report on the following points.

(1) why the land was not sold after the ao from the position and the soil of the land, it appears ought to have been sold. The land is said to be irrigable from Burgi walla. The grantee Mr. a Sagunali Chitt is entitled to appeal and the part of the Khatedar, having been provisionally enjoyed the land during the time the appeal proceedings were pending should not prejudiced the decision of the Deputy Collr. (See Rule XX. 26).

(2) why the grant of the land should not be cancelled and sale ordered

By order
The petition and the 2 records received with the above are returned for reference and re-submission

By order

27/2/97 for Secretary

Malki contained thereon were clearly liable to be sold under the rules. The Taluk authorities who granted the land without sale seem to have failed to make sufficient enquiry to satisfy themselves regarding the liability or otherwise of the lands to be sold by public auction. The Hobli Shirdar made a report to the effect that the lands in question contained no valuable trees and the Shanbhog who must have been fully cognizant of the nature of the lands and of their capabilities evaded his responsibility by simply mentioning in his report that the Shirdar who had inspected the lands had stated that there were no trees of the same. These reports which should properly have furnished grounds for a further and more thorough enquiry with a view to the ascertainment of the truth have apparently led to the grant of the lands without sale.

The

~~LR 63 of 02~~

Permission for a cart of

4978

190 /

(53)

FROM

Rev 271

The Deputy Commissioner
Mysore Dist

To

The Secretary to the
Government of Mysore
Political Department

Dated 18

Despatched January 1901

Received

General No. 698

No.

Enclosure No. one file

Reporting on the petition of Chikegowda Dyava and others of Chennahalli in the Seringapatam Taluk.

Subd to the 1st Counsr to
the Previous Cond.
Rec.
11/2/01.
Sm Mr Chapman
Wood
18.2.01

Refer
21-1-01.
RD 28/1/01
Report if
Ad
31/1/01

(50)

No. 698
Circle

Deputy Commissioner's Office
Mysore District
Dated Mysore 18 January 1901

To

The Secretary to the Govt. of Mysore
General and Revenue Departt.

Sir,

Adverting to your docket No. 7669 Pet. 1369 dated 27th February 1897 calling for further report on the petition of Guligowdana Dyava and others of Cheemahalli in the Seringapatam Taluk, regarding the grant of Survey Nos. 11. 18. 19. 20. 21. 22. 23. 24. and 25 in the village to one Hajiddin Khan, I have the honor to submit the accompanying copy of the Head Rocks Sub Division officers letter No. 621 dated 29th June 1898 on the subject. Mr. Mahomed Ali's order referred to by the Sub Division officer does not dispense with the sale of the lands which from their favourable situation and the

The petitioner appealed to this office in November 1893 against the aforesaid Alienation order on the strength of which the lands had been given out to Rajiddin Khan for cultivation and Mr. A. Rangasami Iyengar the then Deputy Commissioner by an order dated 13th November 1893 directed stoppage of improvements of the lands by the Darkhastdar till the disposal of the appeal. Some correspondence having thereupon passed in the matter my predecessor Mr B. K. Venkatavaradaiengar finally decided in his order No. 220 dated 4th August 1894 that the lands which were valuable should have been disposed of by public auction, but that if Rajiddin Khan was prepared to pay a fair price therefor the same might be confirmed to him.

The Darkhastdar having declined to pay any value for the lands the then Deputy Commissioner finally decided in his order No. 1030 dated 10th December 1895 that as

the

the applicant had been in possession of the lands for four years having obtained them under the orders of the late Sub-Division officer (Mr. Mahomed Ali) and that as he had paid the assessment thereon for 2 years, his possession could not be disturbed. The present appeal is against this order.

It will be observed from the cross-examined copy of Mr. K. Ramanujacengar's letter that he recommends that if Hajiuddin Khan pays a fair price for the lands the same may be confirmed to him in consideration of his long enjoyment thereof but that in the event of his refusal the sale of the lands may be ordered.

The lands under notice which are stated to be situated at the tail end of the Baragi Channel are valued by a punchayet at Rs 25/- an acre, at which rate for the 26 acres and 1 gunta, Hajiuddin Khan would be liable to pay Rs 650-13-0

ap

as the price of the lands. He persistently declines to pay any value for the lands and wishes that they may be confirmed to him as per Sagwadi Sir originally ipsed him

As regards para 1 of your letter under reply I beg to state that no contribution was levied on the lands in question and they are still classed as dry lands. From the accompanying report No 189 dated 5th January 1901 it will be seen that the Darkhastdar estimated about 6 acres of land with wet crop in the years 1896-97 and 1897-98. That since 1898-99 the lands have been lying fallow for want of water and that even dry crop was not raised on them.

The remainder records connected with the subject as per accompanying paricl are herewith resubmitted for reference and return when no longer required

I have the honor to be,
Sir
Your most obedient, servant
[illegible]
for Deputy Commissioner

Compared

event of his refusal the sale of the lands
may be ordered.

The vernacular papers bearing on
the subject are herewith returned.

I have &c

Sd/ V. Ramaiengar
Sub Division Officer

Trunk Roads

"Copy"

Mundlebhar

for Deputy Commissioner
Mysore District

Confidential.

~~[illegible]~~

1900-901.

Subject with reference. The case has now to be posted for hearing.

24/4/01

Keep for the next hearing. On issuing notice, call upon the Khatedar to show cause why his occupancy shall not be cancelled and the land sold in accordance with the rev. Rules.

attested 24/4/01

7/5/01

No. 1057
APR 19 1901
Bot 464
CHAMAN'S OFFICE

From

The Deputy Commissioner of
the Mysore District

To

The Secretary to the
Government of Mysore,
General and Revenue
Departments.

Dated 16
Despatched } April 1901.
Received

Enclosures No. one Receipt

General No. 1018

Explaining the delay in submitting a further report on the petition of Dyana and other ryots of Bennahalli Seringapatam Taluk, protesting against the grant of certain areas numbers to one Shajuddin Khan

Rev M
19.4.01

RD 20/4/01 1464

The Registrar will
to their enquiry the Counsel
clerk.

All
20/4/01

To Counsel Ch. M. 5
Submit with defence
24.4.01

No. 1018

Enclosures No. Duplicate

OFFICE OF THE DEPUTY COMMISSIONER.

MYSORE DISTRICT.

Dated Mysore 16 April 1901.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Sir,

Adverting to your docket No. 6515-, dated Pet. 1229
25th February 1901, calling for an explanation for delay in submitting a further report on the petition of Sayad and other ryots of Hemmahalli, Seringapatna Taluk, praying against the grant of certain survey Nos to one Shajuddin Khan, I have the honor to state that the Sub-Division Officer's reply (No. 1821, dated 29th June 1898) which was received in this Office on the 12th July 1898, being incomplete, a further report was called for from that Officer in this Office docket No. 15, dated 20th July 1898. His reply (No. 151, dated 14th June 1899) which was received in this Office on the 19th June 1899 being again incomplete, the records were sent direct to the Amildar

P

of the Seringapatam Taluk for furnishing further details with this Office memorandum order No. 1366 dated 30th Idem, filed in the accompanying record. The Amildar's reply dated 22nd December 1892 was received in this Office only on the 3rd January 1893 after several reminders had been sent to him and a report was submitted to Government on the 18th Idem. This is how the unfortunate delay in this case has occurred.

2. With regard to para 2 of the docket under reply, I beg to state that the Amildar of the Seringapatam Taluk reports that he has issued a notice to Shajuddin Khan directing him not to incur any outlay on the improvement of the lands. He further states that under the orders of the then Asst. Divisional Officer Mr. K. Muhammed Ali as conveyed in his No. 873 of the 29th October 1892 (filed in these records) Mr. Richard Ingenger, retired Extra Assistant Commissioner, Kolar, who was then Amildar of Seringapatam

issued the Inquiries Clerk.

3. The vernacular records received with the docket under reply are herewith resubmitted together with the Amildar's report No. 334, dated 16th. March 1901.

I have the honor to be,
Sir,
Your most obdt. servant

R. Narasimha Iyengar
Dy. Deputy Commissioner
Mysore District.

To Rr

A respondent

the Villagers appealed against this to the Deputy Commissioner who directed the ~~Collector~~ Assistant not to improve the lands till the disposal of the Appeal. Some correspondence thereafter ensued and in August 1895 the Deputy Commissioner directed the confirmation of the lands to Khajendin Khan if he was prepared to pay a fair price for them. Khajendin Khan declined to pay any price and the Deputy Commissioner finally, on 10th December 1895, decided that as the ~~Appellant~~ Respt. had been in possession of the lands for four years and as he had paid the assessment thereon for 2 years his possession could not

be disturbed. The present appeal is against this order.

—

Decision.

The contention of the Appellants is that the lands in dispute are the Jomal of their village but this does not prevent the lands being given out for cultivation. The grant of the lands was made so far back as 1892 and in 1895 the Deputy Commissioner confirmed it after considering the complaints of the villagers. Government consider that the grant was made without proper scrutiny and the interests of Government were not duly considered by the Sub Division Officer, but they could not interfere with the action taken by him at this distance

ನಂ. 420/1

ಬೆಂಗಳೂರು
28-6-1996

ಇವರಿಗೆ

ಶ್ರೀ ಎಂ. ಕೃಷ್ಣಪ್ಪ
ಬಿನ್ ಲೇಟ್ ಮುನಿಯಪ್ಪ
ಮಾಜಿ ಶಾಸಕರು
ಕೋಲಾರ ಜಿಲ್ಲೆ

ಮಾನ್ಯರೇ,

ಕೋಲಾರ ಜಿಲ್ಲೆಯ ಕೋಲಾರ ತಾಲ್ಲೂಕಿನ ಕೋಲಾರ ಹೋಬಳಿಯ ಕೋಲಾರ ಪಟ್ಟಣದ ಸರ್ವೆ ನಂ. 1 ಮತ್ತು 2 ಕ್ಕೆ ಸೇರಿದ ಸುಮಾರು 1 ಎಕರೆ 20 ಗುಂಟೆ ಜಮೀನಿನಲ್ಲಿ ಸುಮಾರು 1892 ನೇ ಇಸವಿಯಲ್ಲಿ ನಿರ್ಮಿಸಲಾಗಿದ್ದ ಕೋಲಾರ ಜಿಲ್ಲಾ ಕಾರಾಗೃಹವನ್ನು ಸ್ಥಳಾಂತರಿಸಿ ಅಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಉದ್ಯಾನವನವನ್ನು ನಿರ್ಮಿಸಲು ಸರ್ಕಾರವು ಉದ್ದೇಶಿಸಿದೆ. ಈ ಸಂಬಂಧದಲ್ಲಿ ಸರ್ಕಾರವು ಕೈಗೊಂಡಿರುವ ಕ್ರಮಗಳ ವಿವರಗಳು ಈ ಕೆಳಕಂಡಂತಿವೆ.

1. ಕೋಲಾರ ಜಿಲ್ಲಾ ಕಾರಾಗೃಹವನ್ನು ಸ್ಥಳಾಂತರಿಸಿ ಅಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಉದ್ಯಾನವನವನ್ನು ನಿರ್ಮಿಸಲು ಸರ್ಕಾರವು ಉದ್ದೇಶಿಸಿರುವ ವಿಷಯವನ್ನು ಸರ್ಕಾರವು ದಿನಾಂಕ 19.1.96 ರಂದು ಪತ್ರಿಕಾ ಪ್ರಕಟಣೆಯ ಮೂಲಕ ಸಾರ್ವಜನಿಕರಿಗೆ ತಿಳಿಸಿತ್ತು. ಈ ಪ್ರಕಟಣೆಯ ಬಗ್ಗೆ ಸಾರ್ವಜನಿಕರಿಂದ ಯಾವುದೇ ಆಕ್ಷೇಪಣೆಗಳು ಬಂದಿರುವುದಿಲ್ಲ.

2. ಕೋಲಾರ ಜಿಲ್ಲಾ ಕಾರಾಗೃಹವನ್ನು ಸ್ಥಳಾಂತರಿಸಿ ಅಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಉದ್ಯಾನವನವನ್ನು ನಿರ್ಮಿಸಲು ಸರ್ಕಾರವು ಉದ್ದೇಶಿಸಿರುವ ವಿಷಯವನ್ನು ಸರ್ಕಾರವು ದಿನಾಂಕ 12.7.96 ರಂದು ಪತ್ರಿಕಾ ಪ್ರಕಟಣೆಯ ಮೂಲಕ ಸಾರ್ವಜನಿಕರಿಗೆ ತಿಳಿಸಿತ್ತು. ಈ ಪ್ರಕಟಣೆಯ ಬಗ್ಗೆ ಸಾರ್ವಜನಿಕರಿಂದ ಯಾವುದೇ ಆಕ್ಷೇಪಣೆಗಳು ಬಂದಿರುವುದಿಲ್ಲ.

3. ಈ ವಿಷಯದ ಬಗ್ಗೆ ಸರ್ಕಾರವು ಕೈಗೊಂಡಿರುವ ಕ್ರಮಗಳ ವಿವರಗಳು ಈ ಕೆಳಕಂಡಂತಿವೆ.

ಈ ವಿಷಯದ ಬಗ್ಗೆ ಸರ್ಕಾರವು ಕೈಗೊಂಡಿರುವ ಕ್ರಮಗಳ ವಿವರಗಳು ಈ ಕೆಳಕಂಡಂತಿವೆ.

ಈ ವಿಷಯದ ಬಗ್ಗೆ ಸರ್ಕಾರವು ಕೈಗೊಂಡಿರುವ ಕ್ರಮಗಳ ವಿವರಗಳು ಈ ಕೆಳಕಂಡಂತಿವೆ.

(89)

No 621

Sub Division Office

Hemk Rocks

Dated 29/30 June 1898

Ref: Rec of Records.

From

The Sub Division Officer

To,

Hemk Rocks

The Deputy Commissioner

Mysore District

Sir,

With reference to your docket No 312 dated 13th March 1894 giving cover to copy of Secretary's docket regarding the grant of Survey Nos 11. 18. 19. 20. 21. 22. 23. 24. and 25 in the village of Chennakalli, Seringapatam Taluk, I have the honor to report as follows:—

Serey 1. Khajuddin Khan applied for the lands in question and the villagers objected to their grant for cultivation. The Amildar thereupon sought the instruction of the Sub division officer and the late

Dr R

Mahamed Ali (10) directed that as the lands had been assessed they were to be given away on darkhast. The wording of the order was somewhat ambiguous and the Amildar without seeking for further instructions or using his own discretion gave out the lands to the applicant without sale.

Enquiry 2. Amildar Keshavanigar reports that there were malki on the lands in question and that the applicant has profited by the sale of nearly 100 cart loads of firewood. This coupled with the fact that the lands from their position were capable of being converted into wet, warrant the cancellation of the grant by the Amildar. The sale of the lands however at this distance of time would be hard upon Hajuddin Khan who has been in the enjoyment of them since November 1892. I would therefore suggest that he may be called upon to pay a fair price for the lands if he wishes to retain them. In the

x vide date 1895 dt

From 189 / 1901

The Secretary to the Govt. of Mys
General and Revenue Depa·tmen

To

The Deputy Com
Mysore

98

Dated

Despatched 25-2-1901

Received

General No. 6575
Rev. No. 1229

Enclosure No.

The Dy. Comrs letter
No. 698 dated 18.1.01, report
-ing on the petn of Guli-
-gowdana Bjava and
others of Chennahalli in the
Seringapatam Taluk.

Requesting the
file of records received
with the above for reference
and resubmission,
has the honor to observe
that the Sub Division
Officer's reply No. 162 dated
29.6.1898 to the Dy Comrs
was received in June 1898
and the report to Govt
has been awaiting nearly 30
mon ll.

ess, Bangalore.—20-7-99.—602.

months after, and four years after the Govt order calling for the information, in an important matter which affects the Revenue of Govt; and to request submission of an explanation for the said delay which is simply discreditable.

(13)

2). The Governor is further requested to direct the Collector (Khajuddin Khan) not to incur any outlay on the improvements of the land; and to submit the name of the Builder who gave away the land without sale, together with his (Builder's) explanation.

By order.

C1 }
18.2.01 }

for Secretary
21/2/01

case are :-

(21)

On 15th May 1891 Khajudin Khan Durani applied for the grant of Survey Nos 11, 18, 19, 20, 21, 22, 23, 24 and 25 in the village of Chunchalli, Seringapatam Taluk ~~which were all assessed.~~ The Villagers objected to the grant of the lands for cultivation and requested them to be reserved as fomal by striking off the Assessment. The then Sub-Division Officer of French Rocks ordered that as they ~~lands~~ were all assessed waste lands they might be given out for cultivation on Dharkast. A Sagavali Chit was accordingly issued to the Applicant on 10th November 1892.

In November 1893

of time. Appeal dismissed.

(08)

No. 1034-0 / 28. 6. 01.
No. 1038-10 / 28

Copy of the above is forwarded to the Deputy Commissioner, Lucknow District, with the record received with his letter No. 1018 dated 16th April 1901.

L.R. 20-96-8

Secretary, to Govt
Genl & Rev Dept

21/6/01

To

The Deputy Commissioner
Lucknow Dist.

W/o Ram Dist.
21/6/01

Dt. Lucknow
Dy
25/6/01

A.N
21/6/01.